

TO BE LET.

FURNISHED HOUSE TO LET
A CORNER TERRACE HOUSE, 4 Rooms, 2 DRESSING ROOMS, &c. above Cain Road. Apply to X. Daily Press Office. Hongkong, 17th November, 1888. [2124]

TO LET.

POSSESSION ON THE 1st NOVEMBER NEXT.

HOUSE No. 25, ELDON STREET.

Apply to J. M. NO. REMEDIOS, at J. J. NO. REMEDIOS & Co. Hongkong, 20th October, 1888. [1859]

TO LET.

ROOMS IN "COLLEGE CHAMBERS".

Apply to DAVID SASOON, SON & Co. Hongkong, 13th November, 1888. [2124]

TO LET.

OFFICES & GODOWNS now occupied by THE MESSAGERS MARITIMES COMPANY being No. 8, Praya Central. Possession from 1st February next.

Apply to LAI HING & Co. No. 153, Queen's Road Central, or to C. EWENS. Hongkong, 16th November, 1888. [2115]

TO BE LET.

SMALL EUROPEAN HOUSE at Wan-chai and GODOWNS 50ft and 31ft and 52ft PEATA EAST.

Apply to LINSTEAD & DAVIS. Hongkong, 1st June, 1888. [1048]

TO BE LET, FURNISHED.

W ESTBOURNE VILLAS, SOUTH, Bonham Road.

Apply to LINSTEAD & DAVIS. Hongkong, 5th November, 1888. [2049]

TO LET.

DESIRABLE COAL GODOWNS, 23, Praya East.

From 1st May, 1888.

Apply to LINSTEAD & DAVIS. Hongkong, 12th April, 1888. [734]

TO LET.

"SUNNYSIDE" No. 7, Bonham Road.

Apply to LINSTEAD & DAVIS. Hongkong, 14th November, 1888. [2103]

TO LET, FURNISHED.

A FIVE-ROOMED HOUSE with TENNIS COURT. Possession from 15th inst., to 31st March, 1889, or 1890.

Apply to J. Y. V. VERNON. Hongkong, 5th November, 1888. [1250]

TO LET.

A MAGAZINE, G.P., from 1st December next, THREE WELL BUILT AND HAND-SOMELY FINISHED HOUSES—Two of Six Rooms each, One of Four Rooms.

Apply to J. J. FRANCIS, Bank Building. Hongkong, 8th November, 1888. [2036]

HONGKONG WHARF & GODOWNS.

Goods receive on STORAGE at Moderate Rates, in First-class Godowns.

STEAMER CARGOES discharged on favorable terms.

Also, COAL GODOWNS TO LET.

Apply to MEYER & Co. Hongkong, 2nd July, 1887. [1246]

TO BE LET.

WITH IMMEDIATE POSSESSION.

2 DESIRABLE HOUSES in Caine Road, West End Terrace, opposite to Rose Villa.

Apply to SPANISH PROQUATION, No. 14, Caine Road. Hongkong, 10th May, 1888. [912]

TO BE LET.

A DELIGHTFULLY SITUATED and WELL FURNISHED HOUSE.

A PORTION of "BEACONFIELD ARCADE," BREEZY POINT, Immediate Possession.

BISHER VILLA, POKLUM. GODOWNS at BRYNGTON.

Apply to SHARP & Co. Hongkong, 8th June, 1888. [1350]

PEAK MOUNT KELLET.

BUNGALOW, UNFURNISHED, TO LET—from 1st October to 16th May next, at reduced rate.

Apply to EDWARD SCHELLHAAS & Co. Hongkong, 27th September, 1888. [1798]

FOR SALE.

AT WHOLESALE PRICES.

SACCONI'S SHERRY, PORT, CLA RETS, BURGUNDY, HOCKS, CHAMPAGNE, BOTTLES, WHISKIES.

EMPIRE, ALE & STOUT.

MACHINERY, GAS ENGINES, "EM."

PIREY LUBRICATORS.

SINGER'S SEWING MACHINES.

COOKING STOVES, SCALES.

PAINTS, OILS AND VARNISH.

BICYCLES and TRICYCLES.

JUVENILE, VELOCIPEDES, HORSES and TRICYCLES.

BICYCLES, STEELS FOR JINRICKSHAS.

SOA, WATER MACHINERY.

JEFF'S SANITARY COMPOUNDS.

Apply to W. G. HUMPHREYS & Co. Bank Buildings. Hongkong, 1st October, 1888. [32]

FOR SALE.

CHAS. H. E. D. SIECK'S CHAMPAGNE, 1880 WHITE SEAL.

52..... per case of 1 dozen quarts.

52..... per case of 2 dozen pints.

10..... per case of 1 dozen quarts.

CLARET, CHATEAU LATOUR.

52..... per case of 1 dozen quarts.

CLARET, CHATEAU LA ROCHE.

51..... per case of 1 dozen quarts.

51..... per case of 2 dozen pints.

PONTET CANET.

5050..... per case of 1 dozen quarts.

PALMER'S, PORT, CLA.

5750..... per case of 1 dozen quarts.

5550..... per case of 2 dozen pints.

LORMONT.

55..... per case of 1 dozen quarts.

JOHN WALKER & SONS' OLD HIGHLAND WHISKEY.

55..... per case of 1 dozen bottles.

Also, CUTLER PALMER & Co.'S WINES AND SPIRITS.

SIEMSEN & Co.

Hongkong, 1st January, 1884. [2]

FOR SALE.

PRICE MODERATE. Has been well patronised by Ship Building Yards & Docks, and is also fit for the Building of Foreign Vessels.

Apply to ON-THE-SPOT.

First Floor, No. 19 Bonham Strand. Hongkong, 22nd October, 1888. [1869]

JUST ARRIVED.

FOR SALE.

THE A. & J. British Bank.

FOR THE DAILY NEWS, WEDNESDAY, NOVEMBER 21st, 1888.

TO BE LET.

FOR SINGAPORE, PENANG, AND CALCUTTA.

TO THE STEAMSHIP.

FOR FREIGHT or PASSENGERS, apply to GIBB, LIVINGSTON & Co.

Agents.

Hongkong, 16th November, 1888. [2121]

FOR THE DAILY NEWS, WEDNESDAY, NOVEMBER 21st, 1888.

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FOR FREIGHT or PASSENGERS, apply to GIBB, LIVINGSTON & Co.

Agents.

Hongkong, 16th November, 1888. [2122]

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Hongkong, 16th November, 1888. [2123]

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Hongkong, 16th November, 1888. [2126]

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Hongkong, 16th November, 1888. [2127]

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Hongkong, 16th November, 1888. [2128]

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Hongkong, 16th November, 1888. [2129]

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Hongkong, 16th November, 1888. [2131]

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Hongkong, 16th November, 1888. [2136]

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MAIL SUPPLEMENT TO THE HONGKONG DAILY PRESS.

HONGKONG, WEDNESDAY, NOVEMBER 1, 1888.

THE "RULES FOR JOINT INVESTIGATION."

In a memorandum drawn up for the Hongkong Government by Mr. HAYLLER, Q.C., on the "Caribou" case, tried at Canton thirteen years ago under the "Rules for Joint Investigation in cases of Confection and Fine by the Custom House Authorities," the learned counsel said:—"It is most unfortunate that the case could not have been locally settled on a really equitable basis, but it is to be hoped that the same result arrived at will, at least, have the effect of leading to a revision of these Rules, and even of the Treaty itself on the points (among others) to which prominent attention has been thereby called." This hope has been disappointed, and the Rules, which were objected to by the Hongkong Chamber of Commerce when they were framed twenty years ago, still remain in force. The fundamental objection to them is that they constitute the Hippo, an interested party, the judge. The Counsel does not sit as a member of the Court, but is to be "invited" by the Hippo to take his seat on the Bench, to assist the owner or captain of the accused vessel. It is the Hippo who has to give judgment, the power of the Consul being confined to the voting or allowing of an appeal to Peking. A court so constituted is an outrage on the natural principles of justice. It is, moreover, only cases of the utmost gravity, cases of confection, to sit, that are to be adjudicated upon by this partial and interested court. Rule IV. provides that when the act complained of is not one involving the confiscation of ship or cargo, but is one which by Treaty or Regulation is punishable by fine, the case is to be tried by the Consul, who is to inform the Commissioner of Customs of the time fixed for the trial that he may then appear with the evidence and the witnesses in the case. When, however, the penalty provided is not a fine, but the much more serious one of confiscation, the Chinese Superintendent of Customs is constituted the judge, and is to be assisted by the Commissioner, the Consul sitting on the Bench to examine the witness in the interest of the merchant, and, if he disagrees with the Superintendent, at Canton called the Hippo, to record, a formal dissent. By a stroke of the imagination on this he called an impartial court, and why facilitated for a trial should be greater in the case of offences punishable by fine than in those punishable by the extreme penalty of confiscation it is impossible to conceive.

A case was tried under the Rules for Joint Investigation at Canton on Saturday, in which a steam-launch had been seized and was held for confiscation on a charge of trading at ports not open to trade. The Hippo condemned the launch, the Consul dissented, and the matter will now be referred to Peking. Rule IV. provides that after the investigation the Hippo is to inform the Consul of the course he proposes to pursue; if he proposes to confiscate the vessel or goods, and the Consul dissent, the merchant may appeal; and the Consul and Superintendent will forward copies of the notes of the evidence to Peking, the former to his Minister, and the latter to the Foreign Office, for their decision. The appeal is thus carried to a court before which the parties are unable to appear in person or by counsel to plead their case on the law or the facts. Nor does it appear that the decision of this strangely constituted court of appeal will necessarily be arrived at solely on the evidence or arguments advanced in the original trial. Disputes will no doubt pass on the subject between the Consul and the Minister on the one side and between the Hippo and the Tsung-li Yamen on the other, and the final decision may, for anything that appears to the contrary, be arrived at on facts not adduced in evidence at the original trial. If in the case heard on Saturday only the evidence be forwarded to Peking there can be no doubt of what the decision will be, if the ordinary rules by which cases of law are guided are observed. The Customs having themselves made the seizure, and having themselves to pronounce in the first instance on its validity, they did not take the trouble to add evidence which would have satisfied an independent tribunal. The proceedings were farcical. And what evidence there was not given on oath or declaration, or is provided in the rules that it shall be so taken. The Court, if it can be so called, has no power to punish perjury or contempt, and it would be open to any one for interested motives to give with impunity false evidence in support of the confiscation of a valuable ship and cargo. This is an altogether unsatisfactory state of things, and calls urgently for amendment. When the confiscation of a ship is in question, less than when other rights of property are involved, the trial ought to take place before an impartial court. Not that we wish to impugn any intentional unfairness to the court which sat on Saturday last, but as an uninterested party, the Hippo must be held as an improper person to decide the case as a party to a contract would be to adjudicate on an alleged breach of it.

As to the merits of the case of the General Grant, little information is to be derived from the evidence given on Saturday. Inferences may be drawn, but of positive proof there was none. The owner of the vessel, therefore, on the conclusion of the case for Customs, simply put in a plea of not proven. Practically, however, he admitted the charge, though denying personal responsibility. He said, "I never had a launch which went to Changsha or anywhere else in the vicinity. She was not my launch then." Upon this the Consul said, "Then you do admit she went to these places." The owner, careful not to commit himself, replied, "I admit nothing of the sort. I say at the time you allege she was running to these places she was not my launch." But the ownership is immaterial; the proceedings being *in rem*, not *in personam*. If the offence was committed, a change of ownership would not render the offending vessel less liable to confiscation. If this were not so, a very profitable business might be done in smuggling and trading to non-treaty ports, the nominal ownership of the vessel being changed each trip, so that the only risk incurred would be that of capture during the run. To no description of property does the maxim of *caveat emptor* more completely apply than to shipping. In a case like the present, if the owner could show that he had bought the vessel in complete ignorance of her liability to a penalty for violation of the law (assuming for the moment that there was such infraction) the authority might be disposed to remit the penalty, but it would be as at once of grace to the vessel's liability we think there can be no doubt. As to the question of knowledge or ignorance, however, it would appear a plead was posted notifying him, *ex post facto*, of the law. This was produced in the trial on Saturday, but it was not admitted by the owner of the vessel and the Customs had not brought evidence to prove it. It would probably be difficult to ascertain the name of the pri-

ter and that of the person who ordered the printing. Also, if the launch ever went to the places alleged, it would not be difficult to bring witnesses who saw her there. At present, however, if the case were before an ordinary court, the verdict must necessarily be equivalent to one of not proven. That confiscation should take place on the evidence as it stands would be plainly just; according to English ideas, while an acquittal would not remove the suspicion that a breach of the treaty has been committed, and, if the Chinese on their part are satisfied that this is the case, would strike them as being equally unjust. The only way now of arriving at a decision on the real merits of the case would be for the Authorities at Peking to refer it back to Canton for further investigation. And it is a matter of public importance that decision on the merits should be arrived at if possible. If the Chinese are expected to observe the provisions of the Treaty, the foreigner must be prepared equally to observe them; this is not merely a matter of abstract justice, but one of self-interest, for every contraband act committed prejudices honest people by causing the Authorities to impose more severe restrictions on trade or travel. In all cases, however, the accused is equitably entitled to be tried by an impartial and competent court. This is not the case at present, the "Rules for Joint Investigation" being thoroughly objectionable.

To amend the rules would be a comparatively simple matter. There is, however, another point on which an alteration of the Treaty itself is, we think, called for.

The penalty for trading at a non-treaty port is confiscation, which cannot be commuted to a fine, except on reference to Peking, after the Superintendent of Customs has condemned the vessel and the Consul has dis-

missed. But there may be cases which might appropriately be met by a fine or banishment. Mr. HAYLLER, in the argument he drew up for the captain in the *Caribou* case, said:—

The gravamen of the charge then against the *Caribou* was that when seized she was "absolutely trading," or it may fall to the ground. More trading, without the element of profit, is the natural result of a ship being placed in the foreign port of a treaty, because it must have been forced, as he happened, that trade in different goods and under certain conditions might grow up, to the detriment of the Chinese. The *Caribou* was trading, without the formal sanction of treaty, and it would be monstrous in the eyes of the Franco-Chinese war to show that it would be a more difficult matter to-day. And a previous conquest infused for a time a spirit of militarism into the nation, so did the necessity of standing on the defensive in the recent contest with France, which gradually waned as the dynasty became more effete, more subject to the influence of the "conquered race." To all this assent may be readily given. The idea of China ever becoming a conquering power may be dismissed at once. But there is another aspect of the case which the *Times* contributor has not touched on. We refer to China's capacity for defence. Twenty-five years ago China might have been conquered by a very small European army. The experiences of the Franco-Chinese war show that it would be a more difficult matter to-day. And a previous conquest infused for a time a spirit of militarism into the nation, so did the necessity of standing on the defensive in the recent contest with France, and it is not likely to evaporate as it has done on previous occasions. With Russia for her next door neighbour is the North, England on the West, and France on the South-west, and with the growing strength of Japan, China finds herself in a very different position from that she occupied when all the surrounding states were humble imitators, following her own military methods. Notwithstanding her natural inflexibility, China is fully conscious of the importance of reconstructing her army and of building up a modern navy. This she is gradually doing. And she has the great advantage, from the military point of view, of having no foreign trade to protect, so that she is free to direct all her attention to defensive measures. As her strength increases, the more difficult will it become to obtain the observance of treaty stipulations or to secure redress for injuries inflicted on foreigners. Even now, if cause of quarrel unfortunately arose, the force sent out to repel it on hostilities with China would have to be far larger than before, and, every year, the gravity of such an operation will increase. The *Times* writer's pithy sentence about China carrying on a stern chase in pithy, but the growth of China's warlike power is not a circumstance that can be dismissed by a phrase or safely disregarded.

CHINA AS A MILITARY POWER.

The writer of the series of articles which recently appeared in the *N. & D. Daily News* on "Chinese Characteristics" in one of his contributions is called "Flexible inflexibility," with a feature of the Chinese character which invariably attracts the attention of all who are brought in contact with the race. To every suggestion or command on the part of his master—the Chinese promises ready acquiescence, but goes about things in his own way notwithstanding. "The master is set to cut the grass with a foreign sickle, bright and sharp. He receives it with a smile of approval, and is soon later in the day doing the work with a Chinese scythe," machine, which is a bit of old iron at four inches in length, fitted to a short handle. The old, he seems to say, is better." The washerman is provided with a foreign washing machine, which economies time, soap, labour, and most of all the clothing to be washed. He is furnished with a patent winder, which requires no strength and does not damage the fabrics. The washing machine and the winder are alike suffered to relapse into "innocuous disuse," and the washerman continues to scrub and wrench for it for two hundred and forty-two miles through practically independent Shan States. The Kengtung-Mandarin and Bhamo project, which is a bit of old iron at four inches in length, fitted to a short handle. The old, he seems to say, is better." The washerman is provided with a foreign washing machine, which economies time, soap, labour, and most of all the clothing to be washed. He is furnished with a patent winder, which requires no strength and does not damage the fabrics. The washing machine and the winder are alike suffered to relapse into "innocuous disuse," and the washerman continues to scrub and wrench for it for two hundred and forty-two miles through practically independent Shan States. 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Mr. Francis objected to this. He thought that the practice pursued at the Peak was a step in the right direction. He thought that there should be one contractor for the whole and that no resident should be called upon to make private arrangements for the removal. Mr. Ede favoured the suggestion of the President. He said that where the contractor was employed he would do his work as quickly as possible, and in consequence he did not look so much after cleanliness in details as in the case where he engaged a coolie. Mr. Francis objected that that had nothing to do with the Board. The President maintained it had and that Mr. Francis's suggestion of one Government contractor for the whole would lead to a great deal of trouble. It could not be expected that the contractor would take the trouble with the particular care and over the Chinese would object to strange coolies whom they know nothing about entering their houses. He himself knew the man who removed the night soil from his residence and could trust him, but he should certainly object to any "cavalcade" coming into his place and very likely carrying off everything he could lay his hands on. Mr. Francis's suggestion would lead to trouble, but the Board would do it all the same. It might be a funny thing for the lawyers. After some further discussion it was agreed to ask the Sanitary Superintendent to enquire whether the present contractors would extend their contracts for six months and in the meantime the question could be fully considered.

The SECRETARY then read a letter from the Colonial Secretary stating that a report had been made to him by the Board in regard to the contract made with Island lot. Nos. 1,146, 1,147, and 1,093 was in such an insanitary condition as to be a nuisance, and requesting the Board to take legal steps to remove such nuisance. On lot 1,146, Chun Kui was the contractor, and Mr. Hancock, the architect, on 1,093, Chin King was the contractor and Messrs. Bird and Palmer the architects; on 1,147, Lo Chui was the contractor and Mr. M. D. Davis the architect.

Mr. Francis said Mr. Cooper should have reported this matter to the Board. It was a servant of the Board and should have reported the nuisance to them direct.

DR. PRESIDENT and Mr. Cooper had reported this as Inspector of Buildings.

Mr. FRANCIS—I don't care what he signs himself. The present state of affairs is most unsatisfactory. The sooner he leaves the service of the Sanitary Board—the better. At present he is no good to either.

The SURVEYOR-GENERAL said he could not accept the statement of Mr. Francis. He questioned whether Mr. Cooper really had anything to do with this matter. It might have been reported to the Board so far as they knew by one of the inspectors of nuisances.

The SECRETARY said the matter had not been so reported.

The REGISTRAR-GENERAL enquired that they should proceed to deal with these nuisances. If there were any side issue it might be raised afterwards.

The SECRETARY then read a report made by himself on the condition of the matted pointing out that the latrine accommodation and provision of the escape of sewage and sullage water was inadequate and in some instances entirely wanting.

Mr. Ede moved that notice be served on those people to put their nuisances in proper order.

Mr. FRANCIS enquired whether they were to serve the contractor or the owners of the land with the notice.

The SECRETARY said he thought the contractor—the matted were created for the convenience of the contractor's men.

The Board then proceeded to consider the law made for the compulsory reporting of infections diseases.

The PRESIDENT said he thought these rules should only apply to small-pox. It was absurd to make people answerable for reporting diseases of which they had no knowledge.

The REGISTRAR-GENERAL agreed with the President. It is not at present agreed to legislate under section 13 of the Health Ordinance sub-sections 19 and 24 for infectious diseases, except small-pox and that the bill of law drawn up under the sub-section be remodeled accordingly.

The PRESIDENT seconded.

Carried unanimously.

On the proposition of Mr. Ede the Board as a whole voted to create a committee to consider and model the bill to have.

In the first by-law the REGISTRAR-GENERAL proposed to strike out all the diseases defined as infections except small-pox.

The by-law amended was carried.

On law No. 2, which defines a medical practitioner as one registered under Ordinance 6 of 1884.

Mr. Ede proposed that, in place of this the law should run a medical practitioner shall include all persons, of whatever nationality, who practise medicine in this Colony whether registered or not under Ordinance 6 of 1884.

The amendment was agreed to.

On by law 3, which deals with reporting cases of small-pox to the Secretary of the Board.

Mr. FRANCIS moved the addition of the words "on the Registrar-General."

Amended and carried.

With regard to Section 7, Mr. FRANCIS said he thought this and the following clause in which the Customs have seized your vessel. We have no power to try you whatever.

Mr. FRANCIS said I object to the procedure in this case. I address my objection to Mr. M. C. Collier, the Commissioner of Customs.

The Commissioner—Please respect the Court.

I have nothing whatever to do with the Commissioner.

The Commissioner—I beg your pardon. This case is in a court which is the Queen's Bench.

The Commissioner—I will ask the witness to give me the name of the court from which he came.

The Commissioner—I want to know what Chinese vessel.

The Commissioner—He says simply it was brought by a boat unknown.

Mr. FRANCIS—I must protest against anything of this sort being admitted here as evidence.

The Commissioner—I do not think this is evidence.

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